

- (V) Permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 CFR Parts 257.5 through 257.30; or
 - (VI) A facility which:
 - I. Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
 - II. Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
 - (VII) For universal waste managed under Rule 1200-1-11-.12, a universal waste handler or destination facility subject to the requirements of Rule 1200-1-11-.12.
8. Hazardous waste subject to the reduced requirements of this subparagraph may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this subparagraph, unless the mixture meets any of the characteristics of hazardous waste identified in paragraph (3) of this Rule.
9. If any person mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this subparagraph, the mixture is subject to full regulation.
10. Reserved
- (f) Requirements for recyclable material [40 CFR 261.6]
- 1. (i) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of parts 2 and 3 of this subparagraph, except for the materials listed in subparts (ii) and (iii) of this part. Hazardous wastes that are recycled will be known as "recyclable materials."
 - (ii) The following recyclable materials are not subject to the requirements of this subparagraph but are regulated under paragraphs (3), (6), (7) and (8) of Rule 1200-1-11-.09 and all applicable provisions in Rule 1200-1-11-.07:
 - (I) Recyclable materials used in a manner constituting disposal (Rule 1200-1-11-.09(3));
 - (II) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under paragraph (15) of Rule 1200-1-11-.05 or Rule 1200-1-11-.06, (Rule 1200-1-11-.09(8));
 - (III) Recyclable materials from which precious metals are reclaimed (Rule 1200-1-11-.09(6));
 - (IV) Spent lead-acid batteries that are being reclaimed (Rule 1200-1-11-.09(7)).

Mixtures of used oil and hazardous waste that solely exhibit one or more of the hazardous waste characteristics identified in Rule 1200-1-11-.02(3) and mixtures of used oil and hazardous waste that are listed in Rule 1200-1-11-.02(4) solely because they exhibit one or more of the characteristics of hazardous waste identified in Rule 1200-1-11-.02(3) are subject to:

- (I) Except as provided in item (III) of this subpart, regulation as hazardous waste under Rules 1200-1-11-.01 through .07, .09 and .10 rather than as used oil under this Rule, if the resultant mixture exhibits any characteristics of hazardous waste identified in Rule 1200-1-11-.02(3), or
- (II) Except as specified in item (III) of this subpart, regulation as used oil under this Rule, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under Rule 1200-1-11-.02(3).
- (III) Regulation as used oil under this Rule, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under Rule 1200-1-11-.02(3)(b).

(Note to Rule 1200-1-11-.11(2)(a)2(ii): The EPA regulatory requirements set forth in 40 CFR 279.10(b)(2) for mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in subpart C of 40 CFR Part 261, and mixtures of used oil and hazardous waste that are listed in subpart D of 40 CFR Part 261 solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C, are administratively stayed as of December 29, 1995. The effect of the stay is to reinstate for such mixtures the regulatory requirements otherwise applicable to hazardous waste mixtures, including but not limited to those set forth in 40 CFR Parts 260-266, 268, 270, and 271, until the Agency completes a new rulemaking addressing that provision.)

(Ed. Note: The above EPA stay was vacated by the U.S. Court of Appeals for the D.C. Circuit on January 19, 1996 (Safety-Kleen Corp. v. EPA, Docket Number: 92-1629); therefore, §279.10(b)(2), as written, remains in force.)

(iii) Reserved

3. Materials Containing or Otherwise Contaminated With Used Oil

- (i) Except as provided in subpart (2)(a)3(ii) of this Rule, materials containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:
 - (I) Are not used oil and thus not subject to this Rule, and
 - (II) If applicable, are subject to the hazardous waste regulations of Rules 1200-1-11-.01 through .07, .09 and .10.